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Chairman: Mr. al Bayati ..... (Iraq)

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The meeting was called to order at 3.10 p.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and A/61/513)

(c) Human rights situations and reports of special rapporteurs and representatives (A/61/276, 349, 360, 369, 374, 469, 470, 475, 489 and 504)

1. **Ms. Arbour** (United Nations High Commissioner for Human Rights), introducing her Office's latest report (A/61/36), said that the blueprint for a Human Rights Council had now become a reality. The new body had achieved the adoption of two standard-setting instruments, the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. It had also begun to map out its architecture and modus operandi, especially the universal periodic review (UPR), which would complement the work of the treaty bodies and special procedures. Together, those mechanisms, were designed to offer a comprehensive understanding of country situations, with the goal of helping States to fulfil their human rights obligations.

2. The Plan of Action of the Office of the High Commissioner for Human Rights (OHCHR) was now being implemented. A Strategic Management Plan had been devised for the period 2006-2007 to guide the Office's work while optimizing the resources available. OHCHR assisted States in addressing gaps in human rights protection by providing a forum for dialogue, monitoring developments on the ground and conducting research and technical cooperation. Its Headquarters capacity, its field presence and its partnerships with other parts of the United Nations system were all being strengthened and it was seeking to overcome limitations in access to a number of countries. Its Rapid Response Unit had enabled it to deploy human rights officers at very short notice, as in the case of Lebanon during the July 2006 crisis. OHCHR had also played a role in various fact-finding missions and commissions of inquiry, such as those sent to Darfur, Kyrgyzstan and Togo in 2005 and Timor-Leste, Liberia and Lebanon in 2006.

3. To address the longer-term objectives of country engagement, country offices had been opened in Nepal, Uganda and Guatemala and additional offices were planned in Togo and Bolivia. The offices in Cambodia and Colombia were continuing their support for the implementation of action plans for human rights. OHCHR was also preparing to open five new regional offices, whose task would be to assist countries without a country presence in strengthening national capacity and building links with regional institutions and civil society networks. The Regional Office for the Arab Region and the Gulf, in Beirut, had been revitalized and a Regional Office for West Africa was in preparation in Dakar. OHCHR was negotiating for a Regional Office for Central Asia and was consulting on the establishment of a Cairo-based Regional Office for Northern Africa. It would soon be able to identify a location for a Regional Office for Central America. The Cameroon-based Subregional Centre for Human Rights and Democracy in Central Africa was being strengthened and a Human Rights Training and Documentation Centre for South-West Asia and the Arab Region was planned in Qatar.

4. OHCHR country strategies were also carried on through other United Nations partners in the field. The Office played a key role in enabling the human rights components of peacekeeping missions to go beyond their traditional monitoring role and to provide technical cooperation and training. It was also developing a common institutional framework with human rights advisers deployed to United Nations country teams. That would offer better linkages between OHCHR, Resident Coordinators and United Nations agencies, departments and field programmes. Interaction with humanitarian agencies had also been fruitful in addressing human rights issues in areas affected by conflict or by natural disasters such as the Asian tsunami and the earthquake in Pakistan.

5. Poverty and underdevelopment exacerbated abuse, neglect and discrimination while denying millions the enjoyment of their civil, cultural, economic, political and social rights. For that reason, OHCHR had chosen "Poverty and human rights" as the theme for Human Rights Day in 2006 and would continue to support intergovernmental discussions on the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights

establishing an individual communications procedure. Aware of the need to empower women and strengthen their rights, OHCHR engaged in collaborative projects and stand-alone initiatives to combat discrimination and violence against women, including the forthcoming establishment of a dedicated unit at Headquarters. Discrimination exposed many groups and individuals to dramatically unequal enjoyment of economic, social and cultural rights. Growing racial discrimination in some regions was fuelled by fear of terrorism, misconceived perceptions of identity or anxiety over competition for employment. OHCHR worked to combat discrimination by setting and implementing standards and by executing projects targeted at education, training, advocacy and legal protection. To assist in bringing about legitimate and effective institutions of governance, it provided policy guidance, advisory services and expertise in the areas of transitional justice and the rule of law. In Burundi, for example, it was negotiating the establishment of a Truth and Reconciliation Commission and a Special Tribunal.

6. **Mr. Saeed** (Sudan) asked what steps OHCHR planned to take to address the imbalance in the geographical distribution of its staff and requested information on the regional distribution of key posts in the Office. He also asked what mechanisms were in place to ensure that economic, social and cultural rights were given the same consideration as political rights.

7. **Ms. Lintonen** (Finland), speaking on behalf of the European Union, asked what measures could be taken and what forms of international cooperation were needed to achieve the human rights-related Millennium Development Goals and what steps States could take to improve their record on sustained poverty reduction.

8. The European Union supported the High Commissioner's aim of increasing country engagement activities and enhancing technical assistance to help States implement human rights norms. With regard to capacity-building for monitoring and responding to human rights violations, for instance in northern Uganda, she wished to hear more about the Office's experience in forming partnerships with humanitarian actors to ensure the mainstreaming of human rights into all aspects of United Nations work. Lastly, she wished to know what countries the High Commissioner was planning to visit in the near future.

9. **Mr. Bollavaram** (India) asked what measures were envisaged to help the various institutions involved conduct treaty body reform. He would also welcome more information on how Millennium Development Goal 8 on developing a global partnership for development could be achieved in practice.

10. **Ms. Zhang** Dan (China) said that her delegation appreciated hearing that OHCHR would take measures to ensure that economic, social and cultural rights were treated on a par with political rights. She regretted that the geographically imbalance in the composition of the staff of OHCHR had persisted and even worsened and asked what specific measures the High Commissioner would adopt to remedy that situation as soon as possible.

11. **Ms. Arbour** (United Nations High Commissioner for Human Rights), reaffirmed her unequivocal interest in ensuring that her Office reflected a multicultural, geographically representative reality. A number of measures could be taken to increase the pool of candidates from underrepresented regions. However, as a part of the United Nations Secretariat, OHCHR could only take initiatives that were in line with United Nations rules and regulations. One major impediment to the Office's efforts to change its profile substantially and rapidly was the rule governing the National Competitive Recruitment Examination (NCRE). About 50 per cent of OHCHR staff were recruited through that examination, which tended to produce an overwhelming majority of candidates from developed Western countries. One way to address that problem would be to request exemption from the NCRE requirement, at least for a few years, to permit the recruitment of talented and competent junior staff members from underrepresented regions.

12. With regard to social, economic and cultural rights, OHCHR had stressed the need to be more proactive, inter alia, by establishing a sound legal basis for those rights and the capacity to advocate for their implementation at the national level, in the same way that civil and political rights had been the subject of legal and judicial enforcement. The most promising initiative in that regard was the drafting of an additional protocol to the International Covenant on Economic, Social and Cultural Rights. OHCHR was also implementing strategies for the advancement of those rights through its country and regional offices

and was putting in place initiatives on the rights to health, food and housing.

13. With respect to Millennium Development Goal 8 and the right to development, the most important initiative had been the establishment of criteria for the periodic evaluation of development partnerships, which had helped to move beyond dialogue to measures that would anchor that right in reality. OHCHR was currently developing indices and tools for that initiative.

14. The Memorandum of Understanding between OHCHR and the Government of Uganda and the Agreement setting up the OHCHR office in Guatemala were models of field cooperation between OHCHR and governments that were seriously committed to the promotion and protection of human rights in their countries and to seeking technical assistance in that regard. She hoped that they would set the standard for OHCHR efforts to implement human rights in specific settings, in partnership with governments and civil society actors.

15. On the question on country visits, she had just visited Haiti and would soon be visiting Israel and the Palestinian territories. She hoped to continue such visits, especially in countries where OHCHR had a solid engagement on the ground, whether through peacekeeping missions, self-standing offices or human rights advisers. On gender issues, she stressed that women's rights must be articulated clearly and be central to the United Nations human rights agenda.

16. On the question of treaty body reform, OHCHR had stressed the need for a robust, efficient and functioning human rights machinery. As there would be a massive increase in the volume of treaty body work as a result of the recent entry into force of the Optional Protocol to the Convention against Torture and the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, a stronger Secretariat infrastructure would be needed. It was in that context that a unified standing treaty body had been proposed. What form it took was entirely in the hands of Member States and of States parties to the various treaties and she looked forward to continued discussion of that initiative.

17. **Ms. Banks** (New Zealand) welcomed OHCHR country engagement activities and the Office's presence in the South Pacific region. She hoped that the General Assembly would adopt the draft Convention on the Rights of Persons with Disabilities and asked how OHCHR would assist in its implementation.

18. **Ms. Otani** (Japan) said that her delegation particularly appreciated the OHCHR Plan of Action and Strategic Management Plan. In principle, her Government supported the strengthening of OHCHR, inter alia through the doubling of its regular budget within five years. In that regard, emphasis should be placed on strengthening country offices and making effective use of financial resources. She wished to know to what extent OHCHR would focus on monitoring human rights in countries in post-conflict situations and on providing technical assistance. She would also welcome the High Commissioner's views on how the Human Rights Council should engage in the work of country offices.

19. **Mr. Babadoudou** (Benin) requested more details on the limitations in access referred to by the High Commissioner in her statement. Further information on the criteria used by OHCHR in deciding whether to open an office in a particular country would also be welcome.

20. Since condemnations of human rights violations in small countries were frequent, he wondered what strategy was being implemented to avoid double standards in addressing human rights violations. He would also like to hear more about efforts to address violations of the right to development and to know when countries would at least be criticized for violating the rights of their citizens to development in the same way that countries were criticized for killing their citizens or violating civil or political rights.

21. **Mr. Owade** (Kenya) asked how OHCHR envisioned the role that it would play in the implementation of the universal periodic review mechanism.

22. **Mr. Saidov** (Uzbekistan) noted that OHCHR had sent a mission to the Kyrgyz Republic, thereby disregarding the views of States in the region. That mission had had a negative attitude towards the region and it would be helpful to know what criteria had been used in selecting its members.

23. OHCHR had launched a Regional Project for Central Asia in 2004. Despite its success and requests by Governments of the region that it be continued, the

project had been suspended and its second phase had yet to be implemented. An explanation of the reasons for freezing the project would be appreciated.

24. **Ms. Kutz** (Canada) asked whether, in situations of impunity for serious human rights violations or of lack of protection for humanitarian aid or human rights workers, expanded human rights assistance or monitoring by or with the support of OHCHR made a difference in providing security or promoting accountability. It would be helpful to hear how States which were reluctant to avail themselves of the assistance offered by OHCHR could be encouraged to be more proactive in fulfilling their human rights obligations. In countries where OHCHR was welcome, it would be interesting to know what challenges it faced in attempting to play its role to the fullest.

25. **Mr. Alakhder** (Libyan Arab Jamahiriya) wondered whether Programme 19 of the Medium-term plan for the period 2002-2005 (Supplement No. 6 (A/55/6/Rev.1)) gave OHCHR mandates which might encroach on those of the Human Rights Council.

26. **Mr. Aksen** (Turkey) noting that many States had not ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families said that his delegation disagreed with those that argued that the rights set forth in that Convention were already covered by other instruments. He asked whether OHCHR had any programmes to raise awareness of the Convention and promote its ratification.

27. He would like to hear the High Commissioner's impressions of the work done by the Human Rights Council thus far and whether it was fostering greater cooperation in the protection of human rights, than the Commission on Human Rights had done.

28. **Ms. Tchitanava** (Georgia) said that she would appreciate hearing the High Commissioner's comments on recent developments concerning the protection of the human rights of Georgians living in the Russian Federation. Having already imposed a complete economic and transport embargo on Georgia, the Russian authorities, on the pretext of combating organized crime, terrorism and illegal migration, were actively profiling and discriminating against Georgians, including women and children. Georgian artists, writers and singers were being searched, individuals with "Georgian" facial features were being detained and businesses with branches in Georgia were being subjected to severe tax investigation. Educational and other establishments were being asked to report on individuals with Georgian surnames and Georgian migrants, including refugees, were being inhumanely treated and forcibly expelled from the Russian Federation. Families were being separated and children taken to places of custody apart from their parents. The previous day, a Georgian national awaiting deportation after being held in terrible conditions and denied medicines and water had died from an asthma attack at Moscow airport.

29. In Abkhazia and South Ossetia, the secessionist regimes had seized territory and exterminated Georgians and other nationalities, forcing some 300,000 survivors of ethnic cleansing and genocide from their homes. The OHCHR office established in Sukhumi in 1999 had achieved no tangible results in protecting human rights. The human rights situation in the conflict zones, especially in the Gali district populated mainly by Georgians, remained extremely precarious. Refugees there had no security and murders and disappearances of Georgians were continuing. The Georgian language was banned in schools. That information had already been brought to the attention of UNOMIG and the OHCHR office in Sukhumi, but repeated for the opening of an OHCHR office in Gali had not been acted upon because of the obstructive attitude of the Abkhaz side.

30. **Ms. Olivera** (Mexico) asked for information on OHCHR plans for follow-up to the Convention on the Rights of Persons with Disabilities.

31. **Mr. Moussa** (Burkina Faso) said that his Government had requested and received a visit in February 2005 from the Special Rapporteur on the human rights of migrants. That visit had been extremely valuable. His Government's capacity to follow up the Special Rapporteur's recommendations needed to be strengthened, however.

32. **Mr. Cumberbatch** (Cuba) asked what action OHCHR was taking to address the growing imbalance in the geographical distribution of its staff. He would like to hear the High Commissioner's reactions to the recommendations contained in the recent Joint Inspection Unit (JIU) report on follow-up to the Management Review of OHCHR (JIU/REP/2006/3). The OHCHR Plan of Action also contained important recommendations for strengthening OHCHR activities for the empowerment of women, increasing the

Office's regional presence and reforming the various treaty bodies. He asked when Member States would be able to discuss those recommendations, since some required intergovernmental decisions before they could be implemented. Lastly, not enough effort had been made to promote the right to development and he wondered what consideration OHCHR might give to a convention on that right.

33. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that OHCHR looked forward to servicing the new treaty body to be set up under the Convention on the Rights of Persons with Disabilities, whose broad scope, it was hoped, would have a cross-cutting influence on the work of the other treaty bodies.

34. Concerning Office of the United Nations High Commissioner for Human Rights country offices, technical assistance activities and human rights monitoring and reporting activities should not be viewed as separate areas of work. They were complementary and must be integrated if the work of country offices was to be effective and relevant. A country presence, or, at the very least, a regional presence was needed to enable OHCHR to respond to the realities of individual countries. Decisions on opening OHCHR country offices depended on Governments being fully committed to inviting human rights specialists into their countries to provide analysis and technical assistance: an OHCHR presence in a country attested to its Government's willingness to receive such assistance. Another factor in the decision was whether OHCHR could make a contribution that was not otherwise available through regional mechanisms or United Nations partners.

35. Economic, social and cultural rights and the right to development were much more difficult to identify and recognize than other human rights. Work was under way to design a structure in which those rights were defined and violations were remedied, but the task was fraught with difficulties.

36. The universal periodic review (UPR) was a highly innovative mechanism which distinguished the new Human Rights Council from the Commission on Human Rights. Its purpose was to address the legitimate claims of selectivity and politicization that had been made concerning the Commission's country-specific work and to ensure equitable treatment of all Member States in measuring compliance with human rights obligations. It also provided a blueprint for the human rights protection activities of national and regional mechanisms. The challenge was for the Human Rights Council to have a UPR that was robust but not excessively onerous, so as to allow a large number of countries to be reviewed within a reasonable time frame. The review process should not be superficial, however, nor should it duplicate the work of the treaty bodies.

37. With regard to plans for an OHCHR Regional Office for Central Asia, OHCHR aspired to a presence in all regions, especially those where a country presence was not feasible. Central Asia was one such region where the Office believed that it could offer assistance, using field staff selected on the basis of specific criteria, such as language, local expertise and human rights credentials.

38. With regard to ways of encouraging Member States' cooperation, Governments that were willing to promote and protect human rights were privileged working partners and should be assisted. Those that were resistant — not to say obstructive — would be more appropriately dealt with by the Human Rights Council, rather than OHCHR, because it was through the collective encouragement of other Member States that progress was most likely to be achieved. She hoped that the Human Rights Council would be prepared to take a firm stand in obliging reluctant States to commit to the development of human rights and not to resist improvement in their own countries.

39. With regard to Programme 19 of the medium-term plan for the period 2002-2005 contained in Supplement No. 6 (A/55/6/Rev.1), the Libyan representative had wondered whether the OHCHR programme might not encroach on the mandate of the Human Rights Council. She noted that an array of legislative mandates for the Office's work were cited in that document, including resolutions of the Commission on Human Rights and, more importantly, the General Assembly, especially General Assembly resolution 48/141 stipulating the High Commissioner's responsibility to promote and protect the effective enjoyment of all human rights.

40. She too was gravely concerned at the low level of ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Migration issues — as separate from refugee and asylum issues — should be anchored in human

rights, since migration was often triggered by flagrant violations of civil, political and economic rights. The Convention imposed no new obligations on States beyond those set forth in the International Covenants, which it simply reiterated with respect to a specific target group. If reluctance to ratify the Convention was based on the argument that it was inadequate, then the issues holding back its ratification should be addressed squarely. An appropriate human rights framework for migrants would address issues such as those raised by the representative of Georgia concerning the protection of migrants, human rights and freedom of movement and ensure due process and humane treatment for persons in transit or forced to move. The protection of minorities was also relevant to the overall debate on migration, which was a critical issue for the current decade.

41. She was grateful to the representative of Burkina Faso for his acknowledgement of the valuable contribution that the Special Rapporteur on the human rights of migrants had made in visiting his country. That made a welcome change from the frequent criticisms of thematic special rapporteurs. She also noted his Government's need for strengthened capacity to follow up the Special Rapporteur's recommendations. She hoped that his remarks would be heeded by the Human Rights Council when it came to review mandates and that they would persuade other Member States to welcome such country visits and to develop the necessary capacity to follow up any recommendations.

42. The representative of Cuba had raised concerns about equitable geographical distribution and had referred to the recommendations in the recent JIU report (JIU/REP/2006/3). Recommendation 6 concerning the mandate of the Advisory Panel on Personnel Issues (APPI) was, in her view, no longer relevant. APPI was a voluntary internal mechanism that OHCHR had put in place prior to the post-regularization exercise, when one third of its workforce had been recruited outside the Galaxy e-staffing system, in an attempt to provide a fair and equitable recruitment process and contribute to appropriate geographical representation. Its work was no longer central because most recruitment was handled through Galaxy and any improvements would have to be made in the regular United Nations recruitment system.

43. Recommendation 7 that OHCHR should compile annual lists of unrepresented or underrepresented countries for the Secretariat to take into consideration when organizing human rights examinations was also not germane, since such a task was clearly outside the Office's mandate. The Office of Human Resources Management (OHRM) did administer a human rights examination, but that simply perpetuated the current geographical profile of OHCHR. She emphasized that while the Office did not have the same profile as the Secretariat at large, it was not free to depart from the rules applicable to the Secretariat. She was confident that if OHCHR could secure more freedom of action, it would do better. Otherwise, she hoped that internal OHCHR initiatives would serve that purpose. She urged Member States to encourage their nationals to apply for human rights posts through the Galaxy system.

44. **Ms. Taracena-Secara** (Guatemala) thanked the High Commissioner for her visit to Guatemala in May 2006 and for her remark that the Agreement setting up the OHCHR office in Guatemala could serve as a model for other countries. It was at her Government's request that that Agreement had been negotiated with OHCHR. Although the Guatemala office had only been operational for a short time, the High Commissioner's report (E/CN.4/2006/Add.1) made many complex recommendations, some of them difficult to implement. Her Government was nonetheless prepared to put the necessary mechanisms in place. She would like to hear the High Commissioner's views on certain recommendations which her delegation considered to fall outside the mandate of OHCHR. Given Guatemala's particular interest in the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance, she wondered what action could be taken to accelerate their implementation.

45. **Mr. Celnos-Cox** (United States of America) said that his delegation welcomed the expansion of the OHCHR field presence and looked forward to working with OHCHR in Geneva and in its field offices around the world. He asked the High Commissioner to elaborate on new initiatives that she might be considering for field offices in the coming years. He welcomed the creation of a democracy focal point in OHCHR and asked how it had advanced the democracy agenda. He would also be interested to know how his Government could help promote the democracy agenda

in the overall context of human rights and fundamental freedoms.

46. **Mr. Pato** (Togo) said that his country's new authorities were placing greater emphasis on human rights and had therefore requested that an OHCHR office be set up in Togo. Human rights were crucial, for without them there could be no development. One concern not systematically addressed by OHCHR was that massive human rights violations often occurred in the wake of mass demonstrations, since most countries' security forces were insufficiently trained in maintaining law and order and, in their ignorance, often appeared to confuse the maintenance of law and order with a show of force. He asked the High Commissioner whether she felt that OHCHR would give more importance to training in the maintenance of law and order.

47. **Ms. Arbour** (United Nations High Commissioner for Human Rights), referring to the remarks made by the representative of Guatemala, said that there would always be differences of opinion as to which recommendations were useful and which were not. She was nevertheless convinced that field work and reporting would continue to bear fruit. She was delighted at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, but could not at present say what initiatives would be taken to accelerate its implementation. Although new, it should serve as a framework to guide countries seeking to promote indigenous rights.

48. Replying to the United States representative, she said that she was not at liberty to announce any specifics regarding new field offices, which were the subject of ongoing bilateral negotiations. OHCHR would certainly maintain its presence in peacekeeping missions and would continue to enhance its regional presence. Field offices required either a bilateral agreement with the Government concerned or a mandate from the Human Rights Council, but the likelihood of the latter was uncertain. Regarding the pursuit of democracy, OHCHR was an active member of the Programme Consultative Group and had been instrumental in setting up the United Nations Democracy Fund, which she hoped would soon yield results.

49. With regard to the question raised by the representative of Togo, it was true that gross human rights violations were often committed in the name of security. His suggestion would be taken up in the context of OHCHR training of police forces, to ensure that Governments were equipped to maintain law and order while respecting citizens' rights.

50. **Mr. Schölvinck** (Director of the Division for Social Policy and Development), recalling the terms of General Assembly resolution 60/232, said that the Ad Hoc Committee charged with drafting the Convention on the Rights of Persons with Disabilities had worked closely with OHCHR and that meetings of experts from the Department of Economic and Social Affairs (DESA) and OHCHR had been organized in connection with its seventh and eighth sessions. DESA had also explored ways of providing selected pre-session and in-session documents in Braille, as well as instantaneously transmitting electronic versions of in-session documents, at the Ad Hoc Committee's seventh and eighth sessions.

51. DESA had been responsible for managing the Voluntary Fund on Disability designed to facilitate the participation of representatives of non-governmental organizations at the Ad Hoc Committee's sessions and had provided them with an information note in English, French and Spanish on the procedures for accreditation, registration, funding and participation. All non-governmental organizations in consultative status with the Economic and Social Council had been sent a letter containing full information on the Ad Hoc Committee's sessions and on participation procedures. Queries from such organizations, national human rights institutions and intergovernmental and other bodies had been answered and special efforts had been made to accommodate the needs of non-governmental representatives to the Ad Hoc Committee, including allowing them extra time to register.

52. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the High Commissioner for Human Rights) introduced the reports of the Secretary-General submitted under agenda items 67 (b) and (c) on: globalization and its impact on the full enjoyment of all human rights (A/61/281); human rights and unilateral coercive measures (A/61/287); combating defamation of religions (A/61/325); the protection of human rights and fundamental freedoms while countering terrorism (A/61/353); missing persons (A/61/476); the right to development (A/61/211); the question of enforced or involuntary disappearances (A/61/289); the United Nations Human Rights Training and Documentation Centre for South-West Asia and the

Arab Region (A/61/348); the Subregional Centre for Human Rights and Democracy in Central Africa (A/61/352); and regional arrangements for the promotion and protection of human rights (A/61/513).

53. The report on regional arrangements for the promotion and protection of human rights contained information on progress towards the establishment of Regional Offices for Northern Africa, West Africa, Central America and Central Asia. OHCHR had also been taking various initiatives to strengthen existing Regional Offices, including those for South-East Asia and Latin America. Following the crisis in Lebanon, it had reinforced its Regional Office for the Arab Region and the Gulf in Beirut through the deployment of additional staff. Lastly, OHCHR had been endeavouring to develop further partnerships, including with regional and subregional organizations and institutions.

54. The High Commissioner for Human Rights had submitted a report on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/60/359). That report highlighted the fact that the peace process offered hope of continuing improvements in respect for human rights by all parties. At the same time, it stressed that there were many issues which still needed to be addressed, including abductions, ill treatment, killings and child recruitment by the Communist Party of Nepal-Maoist (CPN-M), as well as violations by the security forces. The Secretary-General's report on the situation of human rights in Turkmenistan (A/61/489) concluded that gross and systematic violations of human rights had continued in the country, notwithstanding gestures made by the Government. The main areas of concern referred to in the report were the situation of human rights defenders, severe restrictions on freedom of expression and information, including repression of political dissent, restrictions on freedom of religion, the situation of minorities, the use of torture, the absence of an independent judiciary and limited access to health-care services and education. The Secretary-General's report on the situation of human rights in Uzbekistan examined calls for the establishment of an international commission of inquiry to look into the facts and circumstances of the Andijan events, as well as allegations of human rights violations, the situation of human rights defenders and civil society.

55. **Ms. Lintonen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Montenegro and Serbia; and, in addition, Moldova and Ukraine, recalled that the Human Rights Council had been established to further strengthen the United Nations human rights machinery and pledged to continue working with other countries to enable the Council to start fulfilling all aspects of its mandate. The European Union attached great importance to strengthening the active participation of non-governmental organizations, national human rights institutions and the existing special procedures in the Council's work.

56. The European Union welcomed the Council's adoption at its first session of the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance. The agreement reached on the Convention on the Rights of Persons with Disabilities had also been a major step forward. The European Union looked forward to the formal adoption of those three instruments by the General Assembly. It also reaffirmed its strong support for the work of the High Commissioner and her Office.

57. The European Union opposed the death penalty in all cases and under all circumstances. Abolition of the death penalty contributed to the enhancement of human dignity and the progressive development of human rights. The European Union called upon all States to abolish the death penalty and to apply an immediate moratorium on executions pending full abolition. It was deeply concerned at the ongoing discussion in some abolitionist countries in different parts of the world on reintroducing the death penalty and deplored the fact that in some countries, such as the Islamic Republic of Iran, minors were still being sentenced to death and executed, in clear violation of those countries' international legal obligations.

58. The European Union was alarmed at the deterioration of the human rights and humanitarian situation in the Sudan, particularly Darfur, where violence against civilians and the culture of impunity remained a grave concern. It called for an immediate end to ongoing human rights violations, including sexual and other forms of gender-based violence, and urged all parties to cooperate fully in the

implementation of relevant Security Council resolutions, in particular resolution 1593 (2005). It reminded the Sudanese Government of its responsibility to protect its citizens and guarantee respect for human rights.

59. The human rights situation in the Democratic People's Republic of Korea was continuing cause for concern. As the Special Rapporteur on the situation of human rights in that country had underlined, there were serious challenges with respect to, inter alia, the right to food, the right to life, the right to security of person and humane treatment and political rights such as freedom of expression.

60. In Myanmar, different civil society actors were trying to promote peaceful reconciliation and a transition to democracy. The European Union deplored the fact that the Government had so far been unwilling to compromise and to move in the direction of an all-inclusive democracy. The regime's campaign against the Karen people had made an already desperate human rights situation worse, resulting in ever-increasing numbers of internally displaced persons and refugees. The European Union also reiterated its call for the release of Aung San Suu Kyi and all other political prisoners and for the Government to engage all political and ethnic forces in a genuine dialogue with a view to bringing about true national reconciliation and the establishment of democracy.

61. The European Union was deeply concerned about serious problems in the protection of a range of human rights in Uzbekistan, including the rights to freedom of religion, expression and assembly. Allegations of torture continued and the Government had failed to implement fully the recommendations made by the Special Rapporteur on torture following his visit in 2002. The European Union deplored the Government's negative response to calls for an independent international investigation into the May 2005 events in Andijan and its general lack of cooperation with United Nations human rights mechanisms.

62. The European Union was deeply concerned at the situation in Sri Lanka, where there had been an escalation in violence and in violations of human rights and international humanitarian law, including extrajudicial killings, disappearances and the displacement of more than 200,000 people. It reiterated the need for a thorough investigation into alleged violations in order to end the culture of impunity and guarantee law and order. It also urged both sides to respect the ceasefire agreement, resume peace talks and guarantee access for humanitarian aid to the population.

63. The European Union was deeply concerned at the continuing human rights violations in the Democratic Republic of the Congo and the ongoing abuses, predominantly in eastern parts of the country, committed by members of the Congolese armed forces and militias. It called for an immediate end to sexual violence against women and girls and the recruitment of child soldiers and for an immediate end to impunity, in particular by ensuring that high profile crimes were properly investigated and the perpetrators brought to justice. It welcomed the peaceful holding of the first round of democratic elections in July 2006 and the broad participation of the Congolese people, but condemned the acts of violence that had occurred between 20 and 22 August. It requested the Congolese authorities to pursue the electoral process in peace and dignity and called on all political actors to observe a code of conduct for the electoral campaign, in particular with regard to the prohibition of the use of hate speech. Lastly, it called on the Congolese authorities to increase their cooperation with the Independent Expert, OHCHR and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

64. The European Union noted with concern the large number of attacks on human rights defenders and expressed deep regret at the murder of journalist Anna Politkovskaya in the Russian Federation, which should be investigated thoroughly and the perpetrators brought to justice. It was also deeply concerned at the deteriorating situation with regard to freedom of expression and the press and the status of human rights defenders in the Islamic Republic of Iran. It noted with concern a number of recent cases in which human rights defenders, including lawyers, labour protesters, journalists and members of ethnic and religious minorities, had been harassed, detained in harsh conditions or sentenced to lengthy prison terms for peacefully exercising their rights and urged the Iranian Government to comply with its international human rights obligations and release those detainees immediately.

65. The European Union was deeply concerned at the violent suppression of demonstrations in Zimbabwe, as well as arbitrary arrests and detentions, forced mass

evictions and the blocking of humanitarian assistance. The situation in Zimbabwe continued to be alarming and the European Union urged the Government to respect its citizens' human rights and fundamental freedoms. It would continue to support all those in Zimbabwe who were working for peaceful change, the restoration of democratic standards, human rights and the rule of law.

66. In Ethiopia, members of the opposition and civil society, including journalists and members of parliament, were being detained arbitrarily. The European Union hoped that judicial proceedings against those detainees would be concluded in the coming months. It was also concerned about the treatment of political and religious prisoners in Eritrea, who were being held in secret detention without trial.

67. Civil society activists had been intimidated in Belarus, where the European Union was disturbed at the ongoing threats against and illegal sentencing of non-governmental organizations and members of civil society and deplored the Government's unwillingness to respect international standards of democracy and human rights.

68. Intolerance and violence towards members of religious communities around the world continued to be cause for concern. The European Union condemned all forms of intolerance and discrimination based on religion or belief and urged States to ensure that their constitutional and legislative systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction.

69. The European Union urged all countries that had not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All States parties should make clear to their officials, including their police, military and other security forces, that torture would never be tolerated. The European Union welcomed the entry into force of the Optional Protocol to the Convention and called on all States to give early consideration to signing and ratifying it. It also urged all States to cooperate fully with the Special Rapporteur on torture.

70. **Mr. Liu** Zhenmin (China) said that the universal enjoyment of human rights was unattainable without international peace and security. Violence and armed conflict were all too prevalent and the United Nations should exert greater efforts in conflict prevention, peacebuilding and combating terrorism in all its forms. The Human Rights Council should focus on massive violations of human rights caused by armed conflict, especially international conflicts.

71. He welcomed the emphasis placed by the High Commissioner on promoting the right to development and eradicating the poverty which constrained many developing countries, especially the least developed countries. The international community, and the developed countries in particular, should take action to help those countries implement the Millennium Development Goals. He hoped that the unbalanced approach to the two categories of human rights would be effectively redressed.

72. The rights of vulnerable groups, such as women and children, persons with disabilities, migrant workers, indigenous people and ethnic minorities, deserved special respect and he therefore welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities.

73. One of the lessons drawn from the Commission on Human Rights was that power politics ran counter to democratic principles and that a human rights culture could not be fostered through confrontation. Nations with different social systems and different levels of development should respect and learn from each other through dialogue and cooperation. As the Human Rights Council set up its mechanisms and procedures, all sides should show resolve and patience in a joint endeavour to create the atmosphere of mutual trust and cooperation necessary for consultations on an equal footing.

74. The universal periodic review should be conducted in a fair, objective and non-selective manner in order to promote a constructive dialogue rather than allegations and accusations among nations on human rights issues. The special procedures should be set up in a democratic and transparent manner, and the reform of the human rights treaty bodies should be aimed at reducing the burden on States parties, improving efficiency, avoiding duplication and saving resources. OHCHR should improve the geographical representation and professionalism of its staff and be more open in accepting supervision by Member States. His Government was ready to cooperate with other countries in constructive consultations on those issues.

75. Under China's Constitution, human rights were respected and safeguarded by the State. The Government's aim in protecting human rights was to promote social harmony and comprehensive human development. In the past year, it had alleviated the burden on 800 million Chinese farmers by abolishing agricultural taxes. It was amending the Compulsory Education Act to waive all fees for compulsory education in rural areas, so as to better guarantee the right to education of some 160 million children in those areas. The codes of criminal, civil and administrative procedure were being amended and judicial reforms were also under way. International exchanges in the field of human rights had been carried out, and the Government was working with OHCHR to implement the Memorandum of Understanding on technical cooperation in human rights. China was a developing country with a population of 1.3 billion and much remained to be done for the promotion and protection of human rights. The Government was confident, however, that steady progress would be made and it was ready to increase its cooperation with other countries to promote the cause of human rights internationally.

76. **Mr. Abdelaziz** (Egypt) said that although the United Nations had done much to promote and protect human rights over the decades, the Human Rights Council had been established to overcome the selectivity, politicization and double standards that had hindered its efforts. So far, however, the Council had failed to do so, especially with respect to Lebanon and Palestine. Attempts by some States to impose their culture on the international community, while ignoring the cultural, ethnic and religious heritage of others, jeopardized the promotion and protection of human rights worldwide.

77. There was a need to confront attitudes of superiority in the field of human rights and to prevent national standards from being imposed as international human rights standards or being used to impose the will of a few States on others. The Security Council must not be used as a forum for dealing with human rights in a way that undermined the Human Rights Council or the General Assembly. There was also a need to avoid attempts to interpret the provisions of the World Summit Outcome document on the responsibility of the international community to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity in a way which permitted interference in the internal affairs of States or encroachments on their national sovereignty and territorial integrity. Efforts to combat terrorism must be conducted in accordance with human rights standards, including the most basic human right: the right to life. The international community must act in accordance with the principles of international law, international human rights law and international humanitarian law. States should be given unconditional technical and financial assistance so that their national efforts to promote human rights were complemented, rather than contradicted, by those of the international community, which must help to ensure that all rights were protected, including the right to development. Lastly, the human rights treaty bodies must not exceed their mandates. There was also a need to respect the principle of equitable geographical representation in United Nations human rights bodies, particularly OHCHR.

78. His Government had established national human rights mechanisms to present an objective account of the human rights situation in Egypt and to deal with allegations of human rights abuses. Efforts were being made to mainstream awareness of a human rights culture in educational institutions and the news media. His Government was firmly committed to pursuing the path of democracy and the promotion and protection of human rights and fundamental freedoms, in a spirit of cooperation among the State, the people, civil society and the private sector.

The meeting rose at 6.10 p.m.